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September 28, 2021

By ECF and Electronic Mail
The Honorable Dora L. Irizarry
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Samantha Shader, 20-CR-202 (DLI)

Dear Judge Irizarry:

Pursuant to the Court's August 17, 2021 scheduling order, the parties are providing a status report to the Court in advance of the status conference scheduled for October 5, 2021 at 12:00 p.m.

Ms. Shader is charged in a seven-count indictment with use of explosives, in violation of 18 U.S.C. § 844(f)(1), arson, in violation of 18 U.S.C. § 844(i), using an explosive to commit a felony, in violation of 18 U.S.C. § 844(h)(1), arson conspiracy, in violation of 18 U.S.C. § 844(n), use of a destructive device, in violation of 18 U.S.C. § 924(c)(1)(B)(ii), civil disorder, in violation of 18 U.S.C. § 231(a)(3) and possessing and making a destructive device, in violation of 26 U.S.C. §§ 5861(d) and 5861(f).

On July 17, 2020, the Court held a status conference and Ms. Shader was arraigned on the pending indictment. That same day, the Court issued a written order granting in part and denying in part the defense motion to inspect grand jury records. On July 23, 2020 and July 28, 2020, the Clerk of the Court provided the grand jury records to the defense and the government. On July 24, 2020, the government provided Ms. Shader with its second Rule 16 discovery production. On August 27, 2020, the government provided Ms. Shader with its third Rule 16 discovery production. On October 28, 2020, the government provided Ms. Shader with its fourth Rule 16 discovery production, which included numerous additional NYPD video files taken from multiple locations. On January 5, 2021, the government provided counsel for Ms. Shader with its fifth Rule 16 production, which included substantial additional materials including surveillance video files, law enforcement records, and forensic reports.

On May 12, 2021, the defense provided the government with a more than 50 page submission containing information in support of a disposition short of trial. And on August 11, 2021, as outlined in the last report to the Court, the defense provided the government with an

additional submission including a preliminary expert report that was not yet complete due to unforeseen circumstances relating to the Metropolitan Detention Center's ("MDC") new clearance process for experts.

Since that time, the parties remain in active discussions. On September 24, 2021, the defense provided the government with supplemental mitigation materials including the final expert report. The government has indicated that it needs additional time to review the defense submissions and the parties will need additional time to conclude plea discussions.

For these reasons, the parties would respectfully request one additional adjournment of the status conference to a date in the first week of November, with a joint status report due to the Court on or about October 27, 2021. The parties are available to appear on Monday, November 1, and Friday, November 5.

Finally, the parties request that the Court exclude time under the Speedy Trial Act. Specifically, the parties request that the Court find that the ends of justice are served by ordering the requested continuance as this continuance outweighs the best interests of the public and Ms. Shader's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). In particular, the need for Ms. Shader to continue to review the voluminous discovery provided to date and discuss that discovery with counsel, and so that the defense can continue negotiations with the government.

Thank you for your consideration of this letter.

Respectfully Submitted,

/s/
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cc: all counsel of record (via ECF)
Clerk of the Court (via ECF)